

## Chapter Three Plan Evaluation

### Land Use and Development

**Overview:** *The Land Use and Development section of Chapter 3 addresses:*

- *the pace, character, and design quality of new development;*
- *the effect of recent and planned development on residential development capacity in the Urban Center;*
- *the attractiveness of Northgate area zoning for multifamily and mixed-use development;*
- *several aspects of the performance of General Development Plan requirements;*
- *options for Land Use Code changes that would address the identified issues.*

#### SUMMARY OF NORTHGATE LAND USE VISION

The Northgate Plan's vision is very ambitious in that it seeks to transform an established automobile-oriented commercial center into an area with a finer-grained, denser, pedestrian-oriented character. This vision runs counter to decades of urban development patterns that catered to automobile access, larger low-density commercial developments, insular shopping-mall design, and lesser interest in urban design quality.

The Northgate Plan includes land use regulations intended to guide development into urban forms that balance the needs of the automobile user with those of pedestrians, bicyclists, and transit users. Over time, the Northgate Plan notes, development in this new pattern will alter the character of the area. The Northgate Plan's vision for land use and urban design (page 4) is described as:

- concentrating the most intense and dense development activity within the core, recognizing it as a major regional activity center for retail, commercial, office and multifamily residential uses with densities sufficient to support transit;
- instituting measures that encourage development in the core to take maximum advantage of the zoning capacity;
- using land use regulations to cause new development to locate near transit stops and provide good pedestrian and bicycle connections throughout the area; and
- encouraging smaller-scale commercial activity outside the core to serve adjacent residential neighborhoods.

The Northgate Plan's pedestrian improvement goals relate to the Plan's land use and transportation visions. The Northgate Plan indicates that public rights-of-way should be used to "reinforce the character and identity of Northgate with special paving, lighting, landscaping, public art, signs and a unified network of sidewalks" (page 3). This would have aesthetic benefits and help to create a transit-supportive and pedestrian-supportive environment.

The Northgate Plan contains six policies that address land use-related topics:

Policy 1: Creation of the Northgate Overlay District

Policy 2: Regional activity center

Policy 3: Mixed Uses: promotion of mixed uses in areas with NC and RC zoning

Policy 4: Housing: promotion of additional multifamily housing opportunities

Policy 5: Transitions: compatible transitions between different scales of development

Policy 13: General Development Plan process (see discussion later in this chapter).

## SUMMARY OF CITIZEN COMMENTS ON LAND USE POLICIES

The following is an abbreviated summary of citizen comments related to Policies 1-5.

<p><b><u>Policy 1 – Northgate Overlay District</u></b></p> <ul style="list-style-type: none"> <li>• Have Overlay District regulations been fully required of new development over the past seven years?</li> <li>• Concerns that most new development exhibits poor aesthetic qualities in design, site planning and contribution to streetscape quality.</li> <li>• Extend planning area to include more of the Aurora-Licton neighborhood to the west and south.</li> <li>• One citizen suggested removing some northeastern areas from the planning area.</li> <li>• Enforcement of requirements arising from design review is a concern.</li> </ul> <p><b><u>Policy 2 – Regional Activity Center</u></b></p> <ul style="list-style-type: none"> <li>• Concerns that the City is not doing enough to promote or “enforce” the provision of mixed-use, denser development.</li> <li>• Provide a progress report on the Property Use and Development Agreement (PUDA) associated with the rezone on the QFC property at Roosevelt Way.</li> <li>• Employment and commercial activity should be compatible with the Northgate Plan’s high-capacity transit goals (e.g., agreeing with I.G. 2.1 B 2).</li> <li>• Review the area’s zoning provisions and consider amendments to correct deficiencies.</li> </ul> <p><b><u>Policy 3 – Mixed Uses</u></b></p> <ul style="list-style-type: none"> <li>• Clarify the purpose of this policy and its implementation guidelines.</li> <li>• The City should take a more active role in “enforcing” (promoting and/or requiring) mixed use development in the area.</li> </ul>	<p><b><u>Policy 4 - Housing</u></b></p> <ul style="list-style-type: none"> <li>• Provide a progress report on multifamily housing, indicate how the guidelines promote the goal of Policy 4, and how the standards have been implemented for specific projects.</li> <li>• How does the SEPA single-family protective policy work?</li> <li>• How can diversity of multifamily housing opportunities can be better assured?</li> <li>• The City should more sensitively consider the impacts of larger commercial developments on single-family neighborhoods, focusing primarily on traffic.</li> <li>• Will planned new housing developments be required to provide some new units as affordable housing to replace demolished affordable housing?</li> </ul> <p><b><u>Policy 5 – Transitions</u></b></p> <ul style="list-style-type: none"> <li>• Transition requirements should apply to planned/possible multifamily uses west of 5<sup>th</sup> Avenue NE on the Mall’s South Lot.</li> <li>• Is DCLU granting exceptions to the transition requirements?</li> <li>• The requirements are misleading (reasoning not explained).</li> <li>• These requirements perhaps should address transitions among uses or structures within a given zone.</li> </ul> <p><b><u>Land Use – Overall</u></b></p> <p>A variety of comments follow the general themes:</p> <ul style="list-style-type: none"> <li>• How can the City better promote the implementation of the Northgate Plan? What courses of action can be followed?</li> <li>• Is the City committed to implementing the Plan?</li> </ul>
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## DISCUSSION OF LAND USE POLICIES

### **Policy 1 - Creation of the Northgate Overlay District**

#### **Summary of Policy**

Policy 1 states, “*A Northgate Overlay District shall be created to address the special characteristics of development in the area.*” The implementation guideline accompanying this policy calls for the establishment of the overlay. The policies and regulations of the Northgate Plan apply within the overlay district in the event of substantial development on a site. Substantial development is defined as new development exceeding 4,000 square feet in gross floor area, or similarly-sized addition to an existing use.

The Northgate Overlay District covers the entire planning area addressed in the Northgate Plan (see Figure 4). The Overlay District boundaries cover the area bounded by NE 85<sup>th</sup> Street to the south, Ashworth Avenue N. to the west, NE 130<sup>th</sup> Street to the north, and Lake City Way (approximately) to the east. Within the Overlay District, the Northgate Plan defined a “core area” that corresponds to the central commercial area and surrounding high-density multifamily and commercial zones between Meridian Avenue N. and approximately 12<sup>th</sup> Avenue NE (including North Seattle Community College). Other commercial areas, such as commercial districts on Roosevelt Way and 15<sup>th</sup> Avenue NE, are within the Overlay District but not in the core.

#### **Actions to Date**

The land use regulations for the Northgate Overlay District were established by Ordinance 116795 in 1993, which created a new chapter (SMC Chapter 23.71) in the Land Use Code.

#### **Discussion**

The purpose of the Overlay District was to enact a set of regulations that would help implement the intent of the Northgate Plan. Along with the rezones that accompanied plan adoption, the creation of the overlay district represented a significant change in the regulation of land uses in the area. The regulations associated with the Overlay District influence the site planning, size of structures, parking, open space and other characteristics of new development, and thus strive to change the overall character of individual development projects and overall development patterns in the Northgate area.

The regulations of the Overlay District (and the underlying zones, which were changed in several areas by adoption of the Northgate Plan) have been used by DCLU in the review of new development proposals since adoption of the Northgate Plan. DCLU is obligated to implement the requirements of the Overlay District, and appears to have done so, with only a few exceptions. Variances from the requirements were granted on a few occasions, despite appeals by citizens to the Hearing Examiner. Further verification of DCLU’s performance with regard to enforcing each and every regulation of SMC Chapter 23.71 in projects to date is beyond the scope of this analysis. It appears that

Figure 4

Northgate Area Planning Designations – Core Area Boundary and Urban Center

most of the citizens' concerns regarding Code compliance have arisen due to the granted variances, the perceived shortcomings in the aesthetic qualities and form of new development, and consistency with General Development Plan requirements.

The following subsections comment on the degree to which the Overlay District regulations have influenced the type, character, and design quality of new development since the Northgate Plan adoption.

### ***Type and Character of New Development***

The type and character of new development built since the Northgate Plan adoption has not been truly transformative in nature, but primarily similar in form to the existing land uses in the area. The form of most new development has been single-purpose commercial structures: a new grocery store replacing an older grocery store; a new drug store; a new clothing store; a real estate office building; and additions to a dental office, auto repair and warehouse uses. A credit union building with a small amount of other commercial uses in it was also constructed. Multifamily residential development in the commercial core area defined by the Northgate Plan included two senior housing complexes (plus an addition to an existing senior complex), a cluster of three medium-sized apartment complexes in the vicinity of N. 107<sup>th</sup> Street/Meridian Avenue N., and two multifamily developments on 1<sup>st</sup> Avenue NE south of the commercial district. These projects helped contribute to growth in resident population in the core, but were not in a mixed use form. Mixed-use residential/commercial structures (apartment building with ground-floor retail space) were built in a few NC-zoned locations outside the core, but only one location within the core (NE 112<sup>th</sup> Street north of QFC).

The regulations of the Northgate Overlay District and underlying zoning (and in some cases, the design review process) were applied to the design of these new structures, resulting in some benefits in overall aesthetic character. In relative terms, the new structures have better aesthetic qualities than the previous structures. However, the new commercial uses continue to be oriented primarily to customers using automobiles, and mostly for single types of land uses rather than mixed uses.

Some new development projects/proposals will result in a more intensive pattern of development in the Northgate core and will be more transformative in nature. The Northgate Mall General Development Plan (GDP) includes several new commercial buildings oriented to Northgate Way and 5<sup>th</sup> Avenue NE, expansions of mall stores, more space-efficient provision of parking facilities, and extensive new commercial and residential development on the vacant south lot. If development ultimately proceeds on the Mall property, the redevelopment of certain parking lot areas with new commercial facilities and some multifamily residential structures would replace large expanses of parking lots and help gradually transform these areas over the next several years to a more intensive pattern. The Touchstone development is more intensively developing the site north of the Northgate Mall with a multistory retail complex and garage with ground-floor retail abutting Northgate Way and 5<sup>th</sup> Avenue NE, where small-scale commercial uses (and multifamily residences) stood for many years. The future possible conversion of the 5<sup>th</sup> Avenue Park-and-Ride to a park would also be a transformative action

increasing public amenities, pedestrian opportunities and decreasing automobile orientation.

### ***Site Planning and Design Quality Issues***

#### ***QFC and Walgreen's Stores***

Several citizens have criticized the aesthetic/pedestrian qualities of new developments, primarily including the QFC and Walgreen's stores. These two cases illustrate that application of Overlay District requirements and design review processes to new development can have mixed results, especially for primarily automobile-oriented land uses. While they have a few positive attributes, these projects contributed relatively little toward achievement of the Northgate Plan's land use vision.

The QFC was not developed under the Northgate Plan's guidelines, but according to a Property Use and Development Agreement (PUDA) that was adopted by the City as part of the Northgate Plan. The QFC's front entrance was oriented to the east, thus placing the rear of the store (western façade) facing Roosevelt Way. This orientation was apparently motivated by the preference for locating parking near the entrance. The western façade is set back approximately 5-10 feet from the sidewalk and includes darkened windows, modulation and brick facing. Some landscaping is provided, but no new pedestrian amenities such as lights, benches or expanded sidewalks are provided along Roosevelt Way. The parking lot and its edges have landscaping, a fence, and pedestrian walkways. An open space adjacent to the parking lot provides play equipment and picnic tables, and a fenced wetpond is located adjacent to Northgate Way. Because it does not engage pedestrians with active uses, the western façade contributes little to the streetscape environment on Roosevelt Way. The PUDA indicated that the windows facing Roosevelt Way shall have "features of interest and use to pedestrians, such as display and vendor windows", but the windows are presently darkened. The competing preferences for parking-oriented entrances and street-oriented facades led to the current site design. A building design with structured parking might have offered better opportunities for street-oriented retail uses, but this building type is more expensive and may have been perceived by the property owner as financially infeasible (other grocery-anchored projects in the city have since incorporated structured parking and street-oriented retail uses).

The Walgreen's store was reviewed according to Northgate Plan and Code requirements, and underwent design review. The store is located at the corner of the lot abutting sidewalks on two streets, and contains windows, eaves (weather protection), and a wider sidewalk area along Northgate Way that contribute positively to streetscape and pedestrian qualities. A metal trellis matching the window detailing, windows wrapping around the corner and other architectural detailing were required to avoid a blank wall on the east side of the store. The store's entrance was required to face Northgate Way rather than the parking lot. Landscaping, two benches, an extension of the façade westward and a wider sidewalk (roughly 15 to 20 feet in width) were provided to enhance the streetscape. Citizen criticism with this project includes dissatisfaction with the sizing of the windows, "dead" display space in the windows, the relatively blank quality of the eastern façade, omission of one window bay (allowed by DCLU), a variance for a curb

**Walgreen's east façade along Roosevelt Way, south of Northgate Way.**

**Walgreen's north façade and sidewalk improvements along Northgate Way.**

**Walgreen's north façade along Northgate Way, at intersection with Roosevelt Way.**

**QFC west façade along Roosevelt Way, north of Northgate Way.**



cut on Northgate Way, and compromising of architectural detailing. These criticisms have some merit. The project could have achieved a higher aesthetic quality with better architectural design, and could have contributed more to streetscape quality.

### *Planning Area Boundaries*

Regarding some citizens' interest in expanding the Northgate planning area and Overlay District, SPO acknowledges the proximity of the Licton Springs residential area outside the Northgate planning area, but does not recommend extending the boundary of the planning area further into the Aurora-Licton neighborhood. The Aurora-Licton Neighborhood Plan provides the framework for planning in that area. Extending the Northgate Overlay District further west or south would take in predominantly single-family or low-density multifamily areas that would not be expected to generate substantial development in the future, and thus the Overlay District's regulations would largely not apply.

To the north and northeast, some of the peripheral areas in the Northgate Overlay District are more closely identified with Lake City, but also are part of Victory Heights, which has a community council participating in Northgate planning processes. SPO does not recommend removing any areas from the planning area, because this would eliminate some residential stakeholders that have participated in the Northgate planning process. Regarding demographic questions, the Northgate area is not likely to qualify for distressed status.

### **SPO Recommendations**

- **Use the DCLU design review process to promote a higher standard of contextually responsive architectural and site design. Continue ongoing program administration improvements to the citywide design review process and continue to train staff, applicants, and Design Review Board members.**

In 1997, at the request of the City Council, the Seattle Design Commission conducted an evaluation of the Design Review program. While the evaluation concluded that the three-year-old program had performed strongly, it also included a series of recommendations for improvement, several of which have been implemented, with more improvements underway. Neighborhood-specific concerns about design and architectural quality resulting from design review processes should be considered in future evaluations and improvements of citywide design review processes.

- **Continue to use DCLU's land use decisionmaking processes to regulate development consistent with the goals and policies of the Northgate Plan. In land use decisions for future development proposals, evaluate consistency with the policies and implementation guidelines of the Northgate Plan, as adopted into the Land Use Code and SEPA Ordinance.**
- **Provide resources and support for efforts to develop neighborhood-specific design guidelines or guidance. When adopted by the City, this would be used by**

**the Design Review Board to provide additional neighborhood-specific design guidance.**

Neighborhood-specific design guidelines would further express the community's wishes regarding desired architectural qualities, for use by design review boards in evaluating future development proposals. The draft "Northgate Area Design Guide" (drafted in the early 1990s), and the results of the Northgate Town Center Charrette held on May 6, 2000, are good examples of resources for developing these guidelines.

- **Make no changes to the Overlay District boundaries.**

## **Policy 2 - Regional Activity Center**

### **Summary of Policy**

Policy 2 states, “*The land use pattern in the Northgate area should concentrate employment activity where the infrastructure and transportation system can best accommodate it.*” The implementation guideline accompanying this policy calls for official zoning map changes to promote a land use pattern characterized by a concentrated core of intensive commercial and high-density multi-family zones surrounded primarily by single-family residential areas.

### **Actions to Date**

The zone changes were accomplished in Ordinances 116770 and 116794 at the time of Northgate Plan adoption. These included rezones of several areas from Commercial to Neighborhood Commercial, and changes in a few areas to Midrise zones. The rezones represented a significant re-orientation of zoning in the Northgate area (see further discussion below).

### **Discussion**

The rezones of several areas from Commercial to Neighborhood Commercial were important because the NC zones do not allow continuation of the previous development pattern of commercial development separated from the street edge by parking lots. The NC zones also more easily accommodate provision of new multifamily residential and mixed uses in the Northgate core, which helps promote the goals of Policies 3 and 4. The concentration of more intensive zones in the Northgate core and less intensive zones in other portions of the planning area guides most future intensive development into the core area where infrastructure can best accommodate it, consistent with Policy 2.

### ***Development Capacity and Concentration of Growth***

The commercial growth patterns over the past six years suggest a possible concern: that future private redevelopment activity in the Northgate Urban Center might opt to provide more single-purpose commercial than mixed or residential uses, and more lower-density than higher-density uses. This pattern of development would run counter to the land use vision of the Northgate Plan. If a significant portion of the land in the Urban Center is redeveloped primarily with lower-density commercial uses, the capacity to accommodate future residential growth in the Urban Center might be compromised. This is important because the City’s Comprehensive Plan established a growth target for the Northgate Urban Center of approximately 3,000 new households by 2014. If not enough land is available or attractive for redevelopment with residential or mixed uses, it may be difficult to achieve this target.

In order to gauge the significance of this concern, SPO staff analyzed development capacity in the Urban Center<sup>1</sup>. The findings are as follows:

- Recent development, along with other projects under construction or planned, will significantly reduce the estimated residential development capacity in the Urban Center, from approximately 6,000 dwelling units to approximately 3,000 dwelling units.
- New housing contemplated for the Mall south lot and the Mullally site would provide a *net gain* in housing opportunities, conservatively estimated at 750 units (which factors in the demolition of existing units on the Mullally site).
- Considering the estimated 750 units described above and residential growth (approximately 175 units) that has already occurred in the Urban Center, additional residential growth of approximately 2,100 units would still be needed to meet the Urban Center's residential growth target for the year 2014.
- Comparing the estimated available development capacity for approximately 3,000 units, there is still sufficient capacity to accommodate growth of 2,100 units to meet the residential growth target.
- If a majority of new development in the core continues to be single-purpose commercial development, the Urban Center's residential development capacity would be further constrained, which might have implications on meeting residential growth targets over the long-term.
- Much of the remaining development capacity in the Northgate Urban Center is concentrated in a relatively small number of larger properties. Decisions that would foreclose future housing provision on a few of the larger properties could contribute to constraining the development capacity of the Northgate Urban Center.

This information highlights the City's interest in promoting mixed-use development in the Northgate Urban Center as a way to accommodate both residential and commercial growth and help meet growth management goals of the City's Comprehensive Plan. Promoting mixed-use development would also be congruent with the intent of the Northgate Plan's land use vision.

### ***Relationship of Urban Center and Northgate Plan's "Core Area"***

The Northgate Plan identified a central core corresponding to the central commercial district in the Northgate area, along with the commercial, multifamily and school uses east of Meridian Avenue N. and College Way N. The Northgate Plan indicated this was the area where most new dense development should occur. This core was defined primarily because it included the commercial zoning and did not include low-density residential areas.

Growth management planning by the City defined an Urban Center geographically similar to the core, but with a few differences driven by growth management requirements (refer to Figure 4). Primary differences between the core and the Urban Center include:

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<sup>1</sup> Analysis reviewed Geographic Information System mapping and database records. Development capacity was calculated for those sites judged to be redevelopable, based on assumptions about land and improvement value, and other factors.

- North Seattle Community College is included in the core, but not the Urban Center;
- Northwest Hospital is included in the Urban Center but not the core; and
- land between Northwest Hospital and Northgate Way was included in the Urban Center to make a contiguous area.

The Urban Center was adopted by the City as part of the City's 1994 Comprehensive Plan. The Urban Center is the most important boundary in the City's analysis of future commercial and residential growth, because the growth targets in the City's Comprehensive Plan defined the Northgate Urban Center's expected share of growth through 2014. Also, the zoning within the Urban Center permits a higher density of development than other parts of the planning area.

The core and the Urban Center designations serve similar purposes because they define the area in which most new residential and commercial growth is expected to occur. However, the core has little if any substantive significance in regulating future development (the zoning regulations are most important in this regard).

### ***Update on QFC Property Use and Development Agreement***

Since approval of the PUDA, the property near Roosevelt Way/Northgate Way was redeveloped with a new QFC grocery store. The new development appears to have substantially met the PUDA requirements. By setting aside the Victory Creek area for open space and recreation, the development achieved the buffering of residential uses contemplated in the Northgate Plan (page 13). It appears that the access driveway from Northgate Way was built in a slightly different location than shown in the PUDA, to accommodate drainage control facilities. This moved the active play area slightly to the north of the location depicted in the PUDA. Also, a fenced drainage control pond was provided adjacent to Northgate Way rather than publicly-accessible open space depicted in the PUDA. Another discrepancy between the actual development and the PUDA is that windows on the west façade of the store are darkened and do not provide features of interest or use to pedestrians, such as display and vendor windows, as required by the PUDA (also discussed under Policy 1).

### ***Citizen Concerns About Zoning Deficiencies***

Regarding citizen concerns about zoning deficiencies, this study reviews area zoning and provides recommendations later in this section addressing possible amendments. Please see discussions under Policies 3, 4 and 13 (General Development Plan).

### **SPO Recommendations**

- **Monitor and provide recommendations about the residential development capacity of the Northgate Urban Center, consistent with Policy L61 in Seattle's Comprehensive Plan.**

Comprehensive Plan Policy L61 calls for annual monitoring of residential growth in the City to "identify situations where the rate of growth is different from that

anticipated by growth targets, either because: 1) it is occurring too rapidly and may be disruptive; or 2) there is insufficient growth to achieve planned conditions in designated villages.” This work should consider a variety of strategies and regulatory tools to promote achievement of residential growth targets in the Urban Center.

- **The City’s work on station area planning for light rail, should include an updated economic and market analysis of current conditions driving development decisions in the Northgate core area and recommendations for possible tools to encourage development that maximizes zoning and is transit-oriented in design.**
- **Analyze the feasibility and implications of adding minimum density provisions to NC zones in the Northgate Overlay District, to more efficiently use available development capacity in the Urban Center.**

City staff should evaluate the feasibility and potential effectiveness of establishing minimum densities for development in commercially zoned areas. Minimum density requirements could include more guidance on residential and/or commercial densities. Conceptually, this type of regulatory change would prohibit less dense forms of commercial development (e.g., some types of single-use commercial structures) and encourage or require the provision of denser, mixed-use structures that would more efficiently use development capacity in the Urban Center. Denser development would also be more consistent with the vision of the Northgate Plan. This type of zoning regulation would be more restrictive than existing regulations, which could generate significant opposition by commercial property owners, and might discourage redevelopment on commercial properties. Also, see recommendations under Policy 4, addressing possible changes to density limits and potential use of a bonus-oriented system to encourage greater density in the Urban Center. These other options would be alternatives to establishing minimum density provisions.

- **Change Map A in Section 23.71 of the Land Use Code to display the Urban Center boundary rather than the core boundary.**

Future planning efforts should be aware that the Urban Center is the most important boundary. The proposed map change is not expected to have any effect on the regulation of land uses in the Overlay District. There is no need to change the Northgate Plan, which would still include the core in its text and maps.

### **Policy 3 - Mixed Uses in NC and RC Zones**

#### **Summary of Policy**

Policy 3 states, “*A mixture of activities including commercial and residential uses shall be promoted in areas with NC and RC zoning designations.*” The two implementation guidelines discuss:

- allowing a mix of uses in separate structures on the same site; and
- allowing single-purpose commercial structures of limited size in Residential/Commercial zones.

This policy promotes mixed use development in neighborhood commercial (NC) zoned properties. Mixed use development is supported by the City because it efficiently uses land by accommodating multiple uses, typically consisting of multifamily residential and commercial uses. Mixed use developments provide space for small businesses, enliven the urban environment by adding residential and pedestrian activity to an area, and provide densities that better support transit systems. Along with the rezone of the commercial area from C to NC, the promotion of mixed uses represented a significant reorientation of the zoning to accommodate new housing in the commercial core of Northgate. The implementation guidelines for this policy, because they were adopted into the Land Use Code, provide a certain amount of flexibility intended to accommodate possible variations in building types.

#### **Actions to Date**

Regulatory changes related to Policy 3 were established by Ordinances 116770 and 116795, including creation of a new chapter (SMC Chapter 23.71) in the Land Use Code.

Since Northgate Plan adoption, there have been approximately five mixed-use developments in the Overlay District. One of these was within the Northgate commercial core: a 9-unit apartment with a small amount of ground-floor commercial space, located in an NC 2-40' zone on NE 112<sup>th</sup> Street directly north of the QFC. Four mixed-use structures containing 114 residences were built in the Overlay District outside the core, all within NC2-40' zones. These are multifamily structures with street-level commercial uses along 15<sup>th</sup> Avenue NE and Roosevelt Way, in areas with a mix of other residential and commercial uses.

#### **Discussion**

The rezoning of Commercial zones to Neighborhood Commercial zones promoted mixed uses because it facilitated the ability of private developers to build mixed use residential-commercial projects in the core. Prior to the rezones, mixed-use structures could only be built in the Commercial-zoned portion of the core as conditional uses, for which it is more difficult to obtain approval than a permitted use.

The pace of mixed use development in the core has been relatively slow. Development choices are made by property owners and developers, who are heavily influenced by their perceptions of real estate markets and interpretations of development feasibility. It appears that developers perceive new mixed-use development as more palatable along

Roosevelt Way and 15<sup>th</sup> Avenue NE, and have pursued those opportunities first, as well as opportunities in other neighborhoods of the city.

The approach of rezoning an area to make it more attractive for future mixed-use development is market-oriented because it relies on the private sector to respond to Code changes and provide new mixed-use development. From a market-oriented perspective, the slow pace of mixed use development in the core may imply that zoning has not provided sufficient incentive to spur redevelopment of properties that are zoned for mixed uses (e.g., in NC zones). The attractiveness of these properties for mixed use development may increase over time due to real estate market factors such as land scarcity, property values, and availability of light rail service. Providing additional incentives for redevelopment through regulatory changes or other strategies would be one approach to encouraging additional mixed-use growth.

The market-oriented approach contrasts with a more prescriptive approach that would *require* provision of mixed-use development. Some citizen comments indicate a preference for a more prescriptive approach in order to promote achievement of the land use vision of the Northgate Plan. The concept of adding minimum densities to NC zones in the Northgate Overlay District (see discussion under Policy 2 in this chapter), is a more prescriptive approach that might result in additional mixed-use growth. However, more prescriptive land use regulations could discourage redevelopment if owners believe they cannot feasibly redevelop their properties with denser, mixed-use projects. This could contribute to a continued slow pace of growth in the Northgate area.

### ***Mix of Uses in Separate Structures on the Same Site***

This concept was discussed in I.G. 3.1 and included in Chapter 23.71.038 of the Land Use Code. From the text in the Plan, it appears that this provision was intended to be usable on sites subject to General Development Plans. However, it may not have been anticipated that the Northgate Mall's GDP would place all housing into one area of the Mall's south lot, and not provide better integration of housing into new uses throughout the site. This sort of site plan, although apparently consistent with Land Use Code requirements, may not be as consistent with the overall vision of the Northgate Plan as a plan with housing distributed over more areas of the site.

Retaining this provision in the Land Use Code would continue to accommodate flexibility in site planning for GDPs, which may aid in incorporating housing into future GDPs. Alternatively, the Land Use Code could be made more prescriptive by defining which types of arrangements of mixed use would be acceptable, and which would not. However, this additional regulatory effort would increase the complexity of the Land Use Code and would seem to work against the original intent of this provision, which was to increase site planning flexibility.

### **SPO Recommendations**

- **The City's role in promoting development that supports the Northgate Plan's vision is addressed in this evaluation's recommendations for Policies, 1, 2, and 4.**
- **No changes are recommended to Land Use Code provisions allowing a mix of uses in separate structures on the same site.**



## **Policy 4 – Housing**

### **Summary of Policy**

Policy 4 states, “*Additional multifamily housing opportunities for households of all income levels shall be promoted to the extent that a compatible scale and intensity of development can be maintained with adjacent single-family areas.*” The four implementation guidelines discuss:

- density limits for residential uses in commercial zones;
- development standards for residential use in commercial zones;
- maintaining and protecting single-family neighborhoods; and
- creating a new Midrise zone with an 85-foot height limit.

Text under Policy 4 indicates that “*the most significant increase in housing opportunities shall be provided within the core,*” and “*outside of the core, new housing will be encouraged in existing multifamily and commercial zones where there is an existing mix of uses, and where residents will have an opportunity to walk to commercial services.*”

### **Actions to Date**

The new density limits, development standards, establishment of a State Environmental Policy Act (SEPA) policy protecting single-family neighborhoods, and the Midrise rezones were implemented with Northgate Plan adoption. At the time, the residential densities were an incentive for development because they allowed more density than was previously allowed. Since adoption of the Northgate Plan, the Land Use Code evolved and reduced the relative value of the incentive. Also, the City adopted 37 other neighborhood plans since 1995, some of which addressed changes to allowable densities for single-purpose residential development in other areas of the city.

Voters approved funding for construction of several new libraries and community centers, including new facilities to be located within the Northgate area. These facilities, and a possible park at the 5<sup>th</sup> Ave. NE park-and-ride, will provide resident-oriented amenities that may help attract additional multifamily residential growth.

### **Discussion**

Nearly 600 additional dwelling units were constructed since adoption of the Northgate Plan, of which nearly 80 percent (approximately 460 units) were in multifamily structures, and 20 percent (approximately 130 units) were single-family residences. A large portion of this growth was in senior assisted living housing located in the core. Much of the other multifamily growth occurred in structures 10-19 units in size, but growth in other smaller-sized multifamily structures also occurred. Multifamily growth included a mix of rental and condominium units. This growth provided a range of housing opportunities for households of different income levels, generally consistent with the intent of Policy 4. Review of future development proposals should consider how a range of housing opportunities can continue to be provided in the Northgate area.

Future development is expected to accommodate further multifamily housing growth, but will also provide challenges in accommodating households of different income levels. For example, redevelopment is contemplated on a site north of Northgate Mall that would demolish approximately 210 existing apartment units and construct roughly 800 new multifamily units. The intended mix of housing types and affordability of this housing for all income levels is not known at this time.

### ***Possible Property Tax Exemption for Affordable Multifamily Housing***

A property tax exemption for multifamily housing is one tool used in selected portions of the city, to stimulate new (or rehabilitated) affordable multifamily housing construction. When a project is approved under this program, the value of eligible multifamily housing improvements is exempted from property taxes for ten years. To qualify, at least 25 percent of a project's units must be affordable to households at or below 80 percent of median income. The City could consider permitting the property tax exemption to be used in the Urban Center, as an incentive to increase affordable housing production. According to State law, this tool can only be used within Urban Centers. A comprehensive review of the City's current tax exemption program is scheduled to occur in 2001-2002.

### ***Density Limits for Mixed Use and Single Purpose Residential Development***

The neighborhood commercial zones allow a mix of commercial and residential uses in a single building, typically requiring that commercial uses be located on the ground floor. Residential uses are usually provided on upper floors. In the past, the Land Use Code limited the numbers of residential units that could be provided using a density limit calculation. Since adoption of the Northgate Plan, the Land Use Code has evolved such that the mixed-use density limit calculation is not used for most NC zones throughout the city. Instead, the height limits, setbacks and other development standards determine the size of the building, which essentially determines how many residential units can be built.

At the time of Northgate Plan adoption, residential densities allowed in Northgate NC zones were an incentive for development because they allowed more density than other NC zones in the city. Now, since density limits were eliminated (except in Northgate), the density incentives from the Northgate Plan are less attractive. Table 3-1 summarizes the densities allowed for mixed-use and single-purpose residential development in neighborhood commercial zones, citywide and in the Northgate Overlay District.

Comparing *mixed-use* density limits in Table 3-1, there is no density limit for mixed-use development in neighborhood commercial zones citywide, except in the Northgate Overlay District (and a few other limited cases). By having a residential density limit, the Northgate NC zones no longer compare favorably to other NC zones that do not have a density limit.

Comparing density limits for *single-purpose residential* development in Table 3-1, the Northgate Overlay District's density limit of one unit per 800 square feet and 600 square feet for zones with 30-foot and 40-foot height limits is now comparable to the density limits for other areas of the city that are *outside* urban villages. The Land Use Code now

allows slightly denser single-purpose development within urban villages (and presumably urban centers) than is allowed in the Northgate Overlay District: one unit per 700 square feet and 500 square feet for zones with 30- and 40-foot height limits, respectively.

**Table 3-1**  
**Comparison of Allowed Multifamily Densities in NC Zones, Citywide & Northgate Overlay District**

<b>Zones</b>	<b>Multifamily Density Currently Allowed in Commercial Zones Elsewhere in City</b>		<b>Multifamily Density Allowed in Commercial Zones in Northgate Overlay District</b>	
	<b>Mixed Use Development</b> <i>1 unit/sq.ft. of site area</i>	<b>Single Purpose Residential</b> <i>1 unit/sq.ft. of site area</i>	<b>Mixed Use Development</b> <i>1 unit/sq.ft. of site area</i>	<b>Single Purpose Residential</b> <i>1 unit/sq.ft. of site area</i>
NC2, NC3, C1, C2 with 30' height limits	No Limit	1/700, in urban villages <sup>1</sup> 1/800 outside urban villages. <sup>1</sup> 1/1,200, when Plan was adopted (1994).	1/800, plus a 20% increase allowed	1/800
NC2, NC3, C1, C2 with 40' height limits	No Limit	1/500 in urban villages <sup>1</sup> 1/600 outside urban villages. <sup>1</sup> 1/1,200, when Plan was adopted (1994).	1/600, plus a 20% increase allowed	1/600
NC2, NC3, C1, C2 with 65' height limits	No Limit	1/800, generally. 1/400 in urban villages <sup>1</sup> 1/600 outside urban villages. <sup>1</sup>	No Limit	No Limit

Notes: 1. See SMC 23.47.009. Standard applies in commercial areas where there has been a review and approval by the City Council subsequent to Jan. 1, 1995 to determine whether single-purpose residential structures shall continue to be conditional uses, permitted outright or prohibited, and if in an urban village, the village boundary has been established.

Given the two comparisons, consideration should be given to adjusting the density limits for mixed use and single-purpose development for the Northgate Overlay District. Eliminating the mixed-use density limit would make these Northgate NC zones comparable in regulation to other NC zones in the City, which could make mixed use development more attractive in Northgate. This would be consistent with the land use vision of the Northgate Plan as well as the City's Comprehensive Plan goal of accommodating residential growth in the Northgate Urban Center. Similarly, the single-purpose residential density limits for the same zones could be adjusted to match the density allowed in other urban villages.

A second option for amendment of these regulations would be to retain the current mixed-use density limit but write additional density bonus provisions into the Land Use Code to increase the incentive for mixed-use projects in the Urban Center. Conceptually, a bonus system would allow larger, denser structures to be built if more residential units were provided, and if they met the Northgate Plan's aesthetic and pedestrian goals. The existing density limit provides a foundation for this option, because it would be a base density to which bonus densities could be added. This system would be best targeted only to the Urban Center because larger, denser mixed-use structures would be better accommodated in the Urban Center rather than the other commercial districts along Roosevelt Way and 15<sup>th</sup> Avenue NE.

### ***Waiver of Setbacks with Single-Purpose Residential Development***

The development standards discussed in I.G. 4.2 (page 15) allow single-purpose residential development to not provide a front setback. This was intended to avoid forcing setbacks in residential buildings that might contribute to abrupt differences in façade locations for adjacent uses in mixed residential and commercial areas. This has not proven to be a significant concern with development to date, as new development in neighborhood commercial zones has been in a mixed-use form rather than single-purpose residential form. The effectiveness of this guideline can be better assessed when a single-purpose residential project is built.

### ***Protection of Single-Family Neighborhoods***

I.G. 4.3 indicates that single-family neighborhoods will be maintained and protected. This is to be implemented as a SEPA policy. Text under I.G. 4.3 indicates that *“Outside of the core, land use actions shall be directed to protect existing single-family neighborhoods. New housing will be encouraged in existing multifamily and commercial zones where there is an existing mix of uses, and where residents will have an opportunity to walk to commercial services.”* This guideline supplements the existing emphasis of the Land Use Policies and City's Comprehensive Plan on protecting single-family neighborhoods. This SEPA policy can be used to justify mitigation measures on a development project if significant adverse impacts to single-family uses are identified during SEPA review of the development proposal. It provides a little more latitude for DCLU to interpret impacts than the other standard provisions in SEPA. Based on review of DCLU decisions, it appears that this policy was not explicitly cited or used as a justification for additional mitigation measures on any project. However, it should be noted that with the emphasis in the Land Use Policies and Code on protecting single-family neighborhoods, the City's review of development proposals implicitly considers impacts on single-family neighborhoods.

### ***Midrise Rezone***

Since Northgate Plan adoption, three multifamily projects totaling approximately 43 units were approved and constructed (one of these projects was applied for prior to the rezone). These four-story projects did not use the full height allowed for by the Midrise-85' zone. In many cases where the full development capacity of a site is not used, developers

choose less-expensive wood-frame construction rather than more expensive concrete and steel construction types that are necessary for taller structures. This type of decision is influenced by developers' perceptions about real estate markets, costs and financial/economic conditions.

### **SPO Recommendations**

- **In 2001-2002, as part of the comprehensive review of the City's current tax exemption program, consider permitting the property tax exemption tool to be used in the Northgate Urban Center, as an incentive to increase affordable housing production.**
- **Amend the Northgate Overlay density limits for mixed use and single-purpose development. Eliminate the mixed-use density limits for neighborhood commercial zones with 30-foot and 40-foot height limits, and increase allowable single-purpose residential densities to match the densities allowed in other urban villages.**

OR

- **Study the feasibility and merit of amending density limits in NC zones in the Northgate Urban Center with a bonus-oriented system intended to encourage more residential density and mixed use development consistent with the vision of the Northgate Plan.**

These recommendations offer two different approaches; if the bonus-oriented system is preferred, the existing density limits should be retained to provide a foundation for the bonus system. Also, see the minimum density zoning concept recommended for further study under Policy 2.

## **Policy 5 – Compatible Transitions**

### **Summary of Policy**

Policy 5 states, *“To reduce conflicts between activities and to promote a compatible relationship between different scales of development, a transition shall be provided between zones where significantly different intensities of development are allowed.”* The accompanying implementation guideline clarifies that the purpose of the policy is to provide light, air, solar access and privacy to properties in abutting residential areas, and the text further specifies maximum building width and depths for various abutting zones.

This policy led to the inclusion of transition requirements in the Northgate Overlay District that provide an additional amount of protection where certain lower-intensity uses abut or are across the street from significantly higher-intensity zones. The text under Policy 5 in the Northgate Plan indicates that these transition requirements would apply to the following areas: where Lowrise 4, Midrise, Highrise, or Neighborhood Commercial 2 40’ or greater-intensity NC zones abut single-family, duplex-triplex (LDT), or Lowrise 1 or 2 (smaller-scale multifamily) zones.

### **Actions to Date**

The transition requirements were incorporated into the Land Use Code as a part of Ordinances 116770 and 116795, to implement this policy. These regulations are applicable to new development on sites with the identified types of adjacencies in zoning.

It appears that only a couple of newer developments have been subject to these requirements since Northgate Plan adoption. Based on SPO staff’s brief visual review of these sites, it appears that building setbacks were provided in a manner consistent with the requirements. DCLU staff review all development proposals to ensure that Land Use Code requirements, including these transition requirements, are met.

### **Discussion**

These transition requirements apply where relatively dense forms of development (zoned Lowrise 4, Midrise, Highrise, Neighborhood Commercial NC2-40’ or NC3-40’) are adjacent to properties that are zoned for lower-density residential uses (including single-family, duplex-triplex, and Lowrise 1 and 2 zones). SPO’s evaluation of zoning maps indicates that these transition requirements are applicable in several locations in the Northgate area, along Roosevelt Way and 15<sup>th</sup> Avenue NE, and a few areas near 5<sup>th</sup> Avenue NE and 3<sup>rd</sup> Avenue NE (see Figure 5). The transition requirements do not apply to all areas at the edge of the core because in many areas the zoning pattern gradually steps down from higher intensities to lesser intensities.

As noted in the DCLU decision on the Northgate Mall’s General Development Plan, the transition requirements did not apply to the Mall site because they do not address adjacencies between NC3-65’ and Lowrise 3 zoning. The existing apartments are located within the Lowrise 3 zoning, and are not the type of use that the transition requirements are intended to buffer.

Figure 5  
Areas where Zone Transition Requirements Apply

The transition requirements do not address transitions among uses or structures within a given zone. These sorts of transitions are regulated by other sections of the Land Use Code, primarily with setbacks, height and bulk regulations. Transitions can also be addressed through the design review process for individual development proposals.

### **SPO Recommendations**

- **Continue to regulate transitions as defined in the Northgate Plan and Land Use Code. The City's design review process should also be used to implement the transition policy in the Northgate Plan.**



## **Policy 13 -- General Development Plans**

### **Summary of Policy**

Policy 13 states, *“General Development Plans shall be required to ensure that the development of super-blocks in the Northgate area supports and reinforces the vehicular/pedestrian balance envisioned to complement transit use in the Northgate Overlay.”* The five implementation guidelines address:

- location and size of sites requiring GDPs;
- the GDP review process;
- contents of a GDP;
- allowance of exceptions to the Land Use Code; and
- establishment of an evaluation process for GDPs.

The General Development Plan (GDP) provisions in the Northgate Plan provide a tool for master planning within larger properties so that the major land use, transportation, open space and pedestrian objectives of the Plan will be supported by new development. The GDP requirements are also intended to provide flexibility to developers.

A GDP is required for sites six acres or more in size when the following is requested:

- development of 4,000 square feet or more of commercial floor area, if the redevelopment includes a change of use; and/or
- creation of parking facilities over 40 stalls in size; and/or
- rezone applications; and/or
- conditional use applications; and/or
- variances from the requirements of the Northgate Overlay District. (SMC 23.71.020).

### **Actions to Date**

The provisions for a GDP were adopted as regulations through the adoption of the Northgate Overlay District Chapter in the Land Use Code (SMC 23.71). Two separate applications for a GDP have been made since adoption of the implementing regulations. Both applications seek conceptual design approval for the expansion and redevelopment of Northgate Mall. An initial DCLU decision on the GDP was made in March, 1999. The second GDP, a revision of the initial GDP for the mall site, was also approved by DCLU. Both GDP decisions were appealed to the Hearing Examiner, and both of the Hearing Examiner's decisions have been appealed to King County Superior Court. The Superior Court heard the case for the first GDP-related appeal, and ruled in favor of the appellants with respect to certain Thornton Creek issues (the City has appealed this ruling).

### **Citizen Comments**

On December 15, 1999, Councilmember Richard Conlin hosted a community meeting to discuss potential improvements to the General Development Plan process. The

comments below are drawn from that meeting, and from other verbal and written comments on this evaluation.

- Several citizens indicate dissatisfaction with the advisory committee process as it was conducted for review of the Mall GDP. The Land Use Code requires an advisory committee process during review of the application. More specific comments were:
  - The committee was felt to be adversarial in nature, not collaborative, not fully representative of community interests, and conducted out of rote compliance with requirements. Some felt that agency representatives from King County Metro, Washington State Department of Transportation, Sound Transit and SEATLAN should have been included on the committee.
  - Not enough time to discuss the issues that were being decided. Too much meeting time was devoted to presentations rather than dialogue.
  - Some citizen observers objected to not being allowed to comment on and receive verbal responses on the issues discussed by the committee.
  - Some committee members were believed to be passive and disengaged from committee activities.
  - Not enough useful information was available to the public or the committee to fully understand the proposal.
  - The recommendations of the advisory committee were “discounted” or not fully acknowledged by the City’s review process.
  - Concerns about how committee members were chosen, voting processes, and representation of various citizen groups on the committee.
- Some citizens have noted that the relationship between the GDP and the design review process (established after the Northgate Plan) is not adequately defined in the Land Use Code.
- Phasing requirements should be made stronger so that pedestrian amenities are put in sooner.
- Need to clarify expiration dates of GDP and process for amending GDP.
- A representative of business and property owners indicated opposition to the onerous regulatory process and requirements, with emphasis on the GDP requirements. This commenter favored an incentive- or bonus-oriented system to encourage mixed use development in the Northgate core.
- A developer indicates that: more residential development is needed to promote the Plan’s vision; the length, complexity and lack of predictability of the development review process (in reference primarily to the GDP process) is a barrier to new development; and having tax incentives for housing would help achieve more affordable housing units.
- In response to this evaluation, a citizen group favors changing the decision type for a GDP to Type IV or V.

## Discussion

The GDP process was a new process introduced with the Northgate Overlay District, to address larger, underdeveloped parcels that provided significant opportunities for implementing portions of the Plan. The GDP process creates a conceptual-level master plan for larger sites, allowing better coordination of improvements and consideration of

the context of the larger planning area. This new process was established to include an advisory committee process and provided DCLU with approval authority. The City had developed a proposal in 1999 for a new permit process applicable to larger commercial sites throughout the city, known as the “commercial master plan” process. At the time the draft of this Plan Review and Evaluation was published, adoption of the commercial master plan requirement was progressing. However, the approval of this new process has not occurred, and its future is uncertain. Therefore, the discussion in this evaluation has been revised to eliminate discussion of possible relationships between GDP and commercial master plan requirements. At this time, it appears that the GDP process requirements will remain in effect, and code changes are being pursued for the GDP requirements in the Northgate Overlay District. If the City makes future decisions regarding commercial master planning requirements, making Northgate GDP requirements consistent with citywide commercial master planning requirements could be considered.

Because the GDP process has only been recently used, evaluation of this aspect of the Northgate Plan is based on limited implementation. This review of the Northgate Plan provides an opportunity to consider code amendments or clarifications to GDP procedures.

The current GDP requirements in the Land Use Code lack specificity in the following areas:

- no conditioning authority;
- no process for amending an approved GDP;
- lack of clarity regarding vesting; and
- lack of clarity regarding duration of GDP approval.

Other aspects of the GDP that are worthy of review in this evaluation include:

- the decisionmaking authority in the City;
- current GDP advisory committee rules, and
- relationship to design review processes.

### ***No GDP conditioning authority***

The Hearing Examiner in the decision on the Mall GDP’s first appeal held there is no express provision in the Land Use Code for conditioning, amending or updating an approved GDP. The Hearing Examiner also determined that all information, revisions and conditions necessary to the finding of consistency with GDP regulations must be in the approved GDP. Since the Mall’s first GDP did not have all the necessary information, the Hearing Examiner required that a revised Mall GDP be resubmitted to DCLU, which had to issue a new appealable land use decision.

This example demonstrates that lack of procedures for GDP revisions creates uncertainties and procedural difficulties. The difficulty for approval of GDPs is that DCLU cannot include GDP-related conditions in its decision (although it could include SEPA conditions). The result is a procedurally awkward situation that could create the need for a second land use decision (as occurred for the Northgate Mall GDP proposal).

Ideally, the GDP regulations would allow for conditioning of GDP proposals (in a manner consistent with other land use decisions) so that DCLU's review can be accomplished with one land use decision rather than several.

#### ***No GDP amendment process specified***

The GDP regulations in the Land Use Code do not specify an amendment process for a GDP. It is possible that, partially through the development period, an applicant would seek to develop differently than anticipated in the approved GDP. Additional specification in the Land Use Code could be provided, to distinguish minor changes from major changes and define the process for review. This clarity would help to provide some greater certainty to the GDP applicant when pursuing Master Use Permits under an approved GDP.

#### ***No time limit specified for GDP applicability***

The GDP provisions in SMC 23.71 do not specify an "expiration date" for an approved GDP. Setting a timeframe for GDP applicability would clarify when GDPs should be revisited and renewed by property owners, and would avoid the potential problem of relying on a GDP with outdated analyses. A maximum timeframe could be established by the City, or the applicant could be allowed to propose a timeframe that fits with the scope of the proposal. The difficulty in setting a "one size fits all" expiration date is that private development plans frequently proceed at a slower pace than originally anticipated. Difficulties in obtaining financing, permit approvals and prevailing economic and real estate conditions can hinder a property owner from developing a new project. This may be of less concern if an expiration date is set for a relatively long period such as 15 years, but even this limit could be a significant factor if a GDP defines an ambitious, large-scale development program.

#### ***GDP Approval Authority***

The Land Use Code (Chapter 23.76) establishes different types of land use decisions. The Code defines the GDP approval process as a Type II Master Use Permit decision by the Director of DCLU, appealable to the Hearing Examiner. This decision-making authority is also used for variances, administrative conditional uses, shoreline decisions and short plats. Type II decisions do not provide a direct role for City Council review of a GDP. The Council has approval authority for Type IV and V decisions, which are:

- Type IV (quasi-judicial) decisions which include rezones, council conditional uses, and major institution master plan approval (MIMPs);
- Type V legislative decisions are typically not oriented to private development proposals, but for legislation (such as land use code text amendments) that would apply more broadly within the City, for concept approval or development standards decisions on City facilities projects, and for rezones to implement new City policies.

There has been some discussion as to whether the type of decision for approving a GDP should be changed. This issue emerged from community comments made on the recent GDP process for the Northgate Mall site. The changes discussed would move the

approval authority from DCLU to the Council, either as a Type IV or V decision. If such a change was made, DCLU would prepare analyses and recommendations on future GDP proposals that would be forwarded to the Council for their consideration in making decisions.

Establishing the GDP decision authority at the Council level would run counter to established Council choices to intentionally reduce the Council's role in reviewing site-specific development plans. This is a response to the past heavy workload demands on the Council of site-specific land use decisions, and judicial criticism of politicized land use decision-making.

Comparability to major institutions master planning has been offered as an argument for moving the approval authority to the Council. Obviously, there are some similarities. Major institutions master planning defines future development plans for larger sites, helps assure compatibility with surrounding uses, and defines impacts and appropriate mitigation. An important difference is that major institutions master planning allows an institution to propose site-specific zoning, an incentive that helps accommodate the institutions' needs. Site-specific rezoning is not a component of GDP regulations.

Shifting the GDP decision authority to the Council would be a major code change, and could significantly affect the choices made by major property owners and developers. Interpretations of development feasibility and financial risks of larger projects are heavily influenced by perceptions about the timeliness, equitability and predictability of decisionmaking processes. If the GDP review process is not perceived to be timely, equitable or predictable, redevelopment of larger sites (six acres or greater) may not be pursued. If this occurred, the potential benefits of redevelopment (such as sidewalk amenities, street improvements, housing, enhanced urban environment, new commercial and residential activities) would not be realized.

### ***Clarification of Vesting***

Under current land use regulations, approval of a GDP "vests" future development proposals on a GDP site to the development standards that are in place at the time of GDP approval. This currently occurs at the time of the DCLU (Type II) decision. Vesting could be defined to occur earlier, such as when a complete GDP application is submitted. This is the vesting point for most other land use decisions by the City. Vesting at complete application would reduce owners/developers' uncertainties about vesting, and may increase the feasibility of future GDP projects.

If the decision type for GDP approval was changed to require Council approval (Type IV or V), defining vesting to occur at the time of decision would significantly delay the time at which vesting occurs. Vesting for an individual GDP potentially could be subject to delays and changes in regulations between initial proposal and ultimate approval by the Council. The delay in vesting would increase owners/developers' uncertainties about vesting and may significantly decrease the feasibility of future GDP projects.

### ***Advisory Committee Issues***

SMC 23.71.028 defines the advisory committee process for GDPs, and DCLU Director's Rule 2-97 provides additional details on the process. The committee is established by the Director of DCLU and is to be composed of a "balanced group representing all interests including the applicant, neighborhoods, the business community, and property owners, except that the applicant's representative shall not participate in a vote on the recommendation to the Director...". The committee's functions are described as "*1. Review the contents of a draft general development plan; and 2. Within a time period established by the Director, recommend to the Director any suggested changes or additions to the draft general development plan.*"

The advisory committee concept is a familiar tool in Seattle and other jurisdictions for channeling public input through representatives of various interests. Many advisory committees work on many issues of civic interest and achieve effective results. The effectiveness of an advisory committee can be enhanced by staffing, technical advice, rules of procedure and clear responsibilities. As implied by the name, the advisory committee provides advisory recommendations, and is not vested with the authority to approve or deny proposals. The City retains decisionmaking authority as a governing role.

The Land Use Code and Director's Rules that apply to the GDP Advisory Committee provide some definition of the actions, ground rules, and expected results of the committee process. A flexible definition of the Advisory Committee process allows the Committee to adapt its procedures to specific circumstances, but it also can contribute to some uncertainty about the Committee's role.

It is difficult to interpret whether the GDP Advisory Committee process for the Mall GDP suffered due to systematic problems with the process itself, or lack of clarity on what could be accomplished by the committee.

Although SPO acknowledges the range of citizen complaints about the advisory committee process as conducted for the Mall GDP, there are no clearly identifiable systematic problems with the rules or practices related to GDP advisory committees. Rather than add copious specifications to alter the GDP advisory committee process, SPO recommends retention of the current rules and practices, which afford flexibility in how future advisory committees could be conducted. SPO recommends that DON staff should be designated to provide facilitation and guidance on public involvement and advisory committee activities in future GDP processes. Facilitation by DON staff would avoid the public perception of conflicts of interest that could arise from DCLU's participation as both facilitators and decisionmakers. DON's experience in providing facilitation will be invaluable in the advisory committee process.

### ***Relationship of GDP to Design Review Process***

The design review process had not been established when the GDP regulations in the Northgate Plan were defined, so the relationship of these processes was not discussed in the Northgate Plan.

The design review process is not explicitly required for GDPs, in regulations for the Northgate Overlay District or in the regulations describing design review. DCLU Director's Rule 2-97, which addresses the Northgate GDP Advisory Committee's role, requires that the Committee hold a joint meeting with the Design Review Board. The phrasing in the director's rule implies that design review may be required in some but not all cases. Given the discrepancy between regulations and Director's Rule, there is a lack of clarity about the intended relationship between the GDP process and the Design Review process. Design review occurred for the Northgate Mall GDP, on a voluntary basis.

There may be some value in having a design review board comment on plans for a GDP. However, other than generalized guidance, the additional value of conducting a full design review process for a conceptual-level GDP is unclear. The specific development projects within a GDP would be subject to design review at a later date. It may be advantageous and efficient to define an abbreviated process by which Design Review Board members can review the GDP concept-level plan and provide guidance without duplicating later project-level design review.

### **SPO Recommendations**

- **Revisions to the Land Use Code should be made to accomplish the following objectives:**
  - ⇒ **Define conditioning authority for GDPs;**
  - ⇒ **Define major and minor amendment processes for GDPs;**
  - ⇒ **Clarify time of vesting;**
  - ⇒ **Assign Department of Neighborhoods staff to provide facilitation and guidance on public involvement and advisory committee activities in future GDP processes; and**
  - ⇒ **Clarify relationship of the GDP advisory committee to design review.**

These code changes should be made to increase the clarity and predictability of the GDP process, without significantly increasing the regulatory burden on GDP applicants.